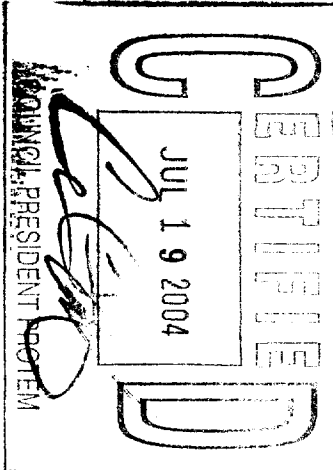


Entered 02-6-04 sb

CL 04L0075 GWENDOLYN BURNS

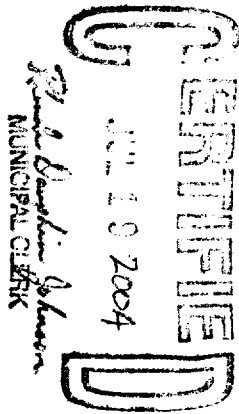
04- R-1224

CLAIM OF: COLLINS & COMPANY, INC.,
as subrogee of the STATE OF
GEORGIA and the GEORGIA
DEPARTMENT OF
TRANSPORTATION
1275 Shiloh Road, NW
Suite 2811
Kennesaw, Georgia 30144-7177



For damages alleged to have been sustained from a wrongful death due to an automobile accident involving a taxicab that was improperly inspected on January 29, 2003 at Interstate 85 and North Central Avenue.

THIS ADVERSED REPORT IS
APPROVED



BY:

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 7/13/04

CHAIR: [Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

ADVERSED BY
CITY COUNCIL JUL 19 2004



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

July 26, 2004

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

Collins & Company, Inc.,
as ssubrogee of the State of Georgia
and the Georgia Department of Transportation
Attn: Kristin Bonner
1275 Shiloh Rd., NW Suite 2811
Kennesaw, Georgia 30144-7177

04-R-1224

Dear Ms. Bonner:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on July 19, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0075

Date: June 29, 2004

Claimant /Victim STATE OF GEORGIA and GEORGIA DEPARTMENT OF TRANSPORTATION
 BY: (Atty) (Ins. Co.) Collins & Company, Inc., Insurance Adjusters
 Address: 1275 Shiloh Road, NW, Suite 2811, Kennesaw, Georgia 30144-7177
 Subrogation: X Claim for damage \$ unspecified Bodily Injury \$ _____
 Date of Notice: 2/6/04 Method: Written, Proper X Improper _____
 Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) _____ X
 Date of Occurrence 1/29/04 Place: I-85 North @ North Central Avenue, NE
 Department POLICE Bureau: Taxicabs and Vehicles for Hire
 Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimants contend that they will pursue a cross claim for damages against the City of Atlanta and the Atlanta Police Department for alleged damages resulting from a tort claim filed against them involving the wrongful death of a passenger in a taxicab that crashed due to “slick tires”. It is the Claimants’ contention that the City allowed the slick tires to remain on the taxicab when it negligently failed to properly inspect the taxicab one day prior to the fatal incident. However, an investigation determined that on January 28, 2003, the taxicab passed inspection and there were no violations found by the City. Notwithstanding this fact, the Department of Police is a governmental function and is protected by sovereign immunity for all operations as set forth in O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee X Claimant Others Written Oral X
 Pictures Diagrams Reports: Police Dept Report X Other X
 Traffic citations issued: City Driver Claimant Driver
 Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,

Gwendolyn Burns
INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ _____ Adverse ☒ Account charged: 1A01 _____ 2PO1 _____ 2J01 _____ 2H01 _____
Claims Manager: [Signature] Concur/date 07/01/04
Committee Action: _____ Council Action _____

RCS# 5906
7/19/04
2:07 PM

Atlanta City Council

Regular Session

CONSENT I CONSENT I PG(S) 1-9, EXCEPT: 04-R-1241

ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 0
EXCUSED: 0
ABSENT 1

Y Smith	Y Winslow	Y Shook	Y Martin	Y Mitchell
Y Starnes	Y Archibong	Y Muller	Y Maddox	Y Norwood
Y Young	Y Fauver	Y Moore	B Mosley	Y Willis

CONSENT I

7-19-04 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-1154 2. 04-O-1156 3. 04-O-0765 4. 04-O-1249 5. 04-O-1263 6. 04-O-1034 7. 04-O-1265 8. 04-O-1266 9. 04-O-1264 10. 04-O-1151 11. 04-O-1262 12. 04-O-1157 13. 04-O-1269 14. 04-R-1044 15. 04-R-1049 16. 04-R-1219 17. 04-R-1290 18. 04-R-1210 19. 04-R-1289 20. 04-R-1215 21. 04-R-1216 22. 04-R-1217 23. 04-R-1218 24. 04-R-1232 25. 04-R-1233 26. 04-R-1234 27. 04-R-1235 28. 04-R-1236 29. 04-R-1237 30. 04-R-1238 31. 04-R-1239 32. 04-R-1240	33. 04-R-1222 34. 04-R-1223 35. 04-R-1224 36. 04-R-1225 37. 04-R-1226 38. 04-R-1227 39. 04-R-1228 40. 04-R-1229 41. 04-R-1230 42. 04-R-1231